

REMARKS

Claims 1-20 are pending with the response to this Office Action. Claims 1-18 are rejected. The Applicant is adding claims 19 and 20.

In a preliminary amendment, the Applicant requested that the title be amended to “**A GOAL BASED SYSTEM UTILIZING A TIME BASED MODEL**”.

Typographical Errors

In claims 2, 5, 11, and 14 the Applicant has replaced “the user” with “a user.” A proper antecedent basis is established.

In claims 6 and 15, the Applicant has replaced “the management” with “management.” A proper antecedent basis is established.

In claims 8 and 17, the Applicant has replaced “one of the variables” with “a variable.” A proper antecedent basis is established.

In claims 9 and 18, the Applicant has replaced “the time” with “time”. A proper antecedent basis is established.

In claim 10, the Applicant has replaced “the control” with “control”. A proper antecedent basis is established.

In claims 11-18, the Applicant has replaced “An apparatus” with “The apparatus.” A proper antecedent basis is established.

In claim 14, the Applicant has replaced “10” with “13”. Claim 14 depends from claim 13 in order to establish a proper antecedent basis.

Request for Information

The Office Action requests all related information concerning the subject application and the February 7, 2002, Response, applicable to Smialek and application 09/219,478. However, 09/219,478 issued on August 24, 2004 as U.S. Patent No. 6,782,374 and is no longer a pending patent application. Thus, in concert with the examples provided by MPEP § 704.11, the Applicant believes that the Applicant no longer needs to provide the requested information because all of the requested material is now available to the Examiner.

If the Examiner cannot locate any specific documents, the Examiner is invited to call the Applicant’s representative. The Applicant’s representative will provide copies of whatever the Examiner needs.

Information Disclosure Statement

The Examiner did not consider the non-patent and the foreign patent documents cited in the IDS filed on February 4, 2002. The Applicant is filing a Supplementary IDS with copies of the relevant documents in a separate paper.

Drawing Objections

Corrected drawings are submitted herewith. The corrected drawings remove all PCT references.

Specification Objections

The reformatted specification removes all of the PCT markings. No new subject matter is added. The reformatted specification is included in this response.

The abstract was included in the application as filed. However, the abstract is reformatted to be consistent in format with the specification. The reformatted abstract is included in this response.

Abstract

As discussed above, the abstract, as originally filed, has been reformatted to be consistent in format with the specification.

Double Patenting

Claims 1-10 are rejected by the Office Action under U.S.C. 101 as claiming the same invention as that of claims 1-10 of prior U.S. 6,549,893. The Applicant has amended claims 1-9 to claim "a computer data signal embodied in a transmission medium." As amended, claims 1-9 include different subject matter than claims 1-9 of U.S. 6,549,893. Also, the Applicant has amended claim 10 to include "logic that evaluates progress toward the goal" and "logic that provides feedback, responsive to a progress indication, that further motivates accomplishment of the goal utilizing the time based model to control the presentation of information." Claim 10 of U.S. 6,549,893 does not include these features. Thus, the Applicant requests reconsideration of claims 1-10.

Claims 10-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-19 of U.S. 6,016,486. The Applicant is filing a terminal disclaimer in a separate paper. Thus, the Applicant requests reconsideration of claims 10-18.

Claims 1 and 10 are provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 10 of co-pending Application No. 09/868,682. The Applicant is filing a terminal disclaimer in a separate paper. Thus, the Applicant requests reconsideration of claims 1 and 10.

Claims Rejections – 35 U.S.C. § 112

Claim 1 and 10 are rejected by the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Office Action alleges that “ ‘motivates’ is a relative term and establishes claim 1 as indefinite.” The Applicant disagrees. A common usage of “motivate” is to “provide with an incentive.” (The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company.) Either an incentive is provided or is not provided. The meaning is definite. Thus, the Applicant requests reconsideration of claim 1 and 10.

Claim Rejections – 35 U.S.C. § 101

Claims 1-9 are rejected by the Office Action under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Office Action alleges that “The language of the claim raises the question as whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application.” As discussed above, the Applicant has amended claims 1-9 to claim “A computer data signal embodied in a transmission medium” that is clearly not an abstract idea and that is tied to a technological art, environment or machine that would result in a practical application. Thus, the Applicant is requesting reconsideration of claims 1-9.

Claim Rejections – 35 U.S.C. § 102

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/44766 (Cook). Regarding claims 1 and 10, the Office Action alleges that “(c) synchronizing events in

the presentation utilizing a time based model (Cook, p 1, 1 5-8); Examiner's Note (EN): computers are synched with an external clock)". As cited, Cook merely teaches (Page 1, lines 5-8.):

This invention relates to a system and method for interactive, adaptive, and individualized computer-assisted instruction of students, preferably implemented on network connected computers.

However, claim 1 includes "a synchronization source code segment comprising source code for synchronizing events in the presentation **utilizing a time based model**" and claim 10 includes "logic that synchronizes events in the presentation **utilizing a time based model**." (Emphasis added.) For example, the instant specification, as originally filed, teaches (Page 10, line 37 – page 11, line 5. Emphasis added.):

The data modeling components could be third party modeling environments such as spreadsheet-based modeling (e.g., Excel, Formulal) or discrete **time-based simulation modeling** (e.g., PowerSim, VenSim). The components could also be custom built in C++, VB; Access, or any tool that is ODBC compliant to provide unique modeling environments. Using the Transformation Component to wrap a third party spreadsheet component provides an easy way of integrating into an application spreadsheet-based data analysis, created by such tools as Excel. The Transformation Component provides a shell for the spreadsheet so that it can look into the domain, pull out values needed as inputs, performs its calculations, and post outputs back to the domain.

and further teaches (Page 38, top entry of table. Emphasis added.):

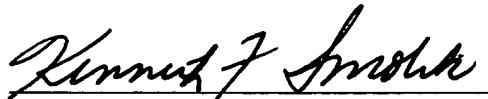
Time based simulation where student "chooses own adventure". Each period the student selects from a pre- determined list of actions to take. Developed on SBPC as a simplified version of the BDM manage task.

However, Cook, in conjunction with the Examiner's Note, does not teach or even suggest these features. While computers may be synchronized with an external clock, the cited teachings do not teach "synchronizing events in the presentation utilizing a time based model". Moreover, claims 2-9 and 11-18 ultimately depend from claims 1 and 10 and are not anticipated for at least the above reasons. Thus, the Applicant requests reconsideration of claims 1-18.

The Applicant is adding claims 19 and 20, which are supported by the instant specification, e.g., the above citing. It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: November 18, 2004

A handwritten signature in dark ink, appearing to read "Kenneth F. Smolik", written over a horizontal line.

Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 S. Wacker Drive, Suite 3000
Chicago, IL 60606-7407
Telephone: 312-463-5000
Facsimile: 312-463-5001